

MAR 02 2007

**Gates & Cooper** LLPHoward Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents  
Attn: Examiner Cindy Nguyen  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450FROM: George H. Gates  
OUR REF.: STL919990184US3  
TELEPHONE: (310) 642-4146Total pages, including cover letter: 5PTO FAX NUMBER: 571-273-8300

If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	TRANSMITTAL DOCUMENTS (2) AND NOTICE OF APPEAL
Applicant:	David E. Simmen
Serial No.:	10/807,871
Filed:	March 24, 2004
Group Art Unit:	2161
Title:	QUERY OPTIMIZATION TECHNIQUE FOR OBTAINING IMPROVED CARDINALITY ESTIMATES USING STATISTICS ON PRE-DEFINED QUERIES
Our Ref. No.:	STL919990184US3

Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application.

By: Name: George H. Gates  
Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.



Signature

02 MAR 2007

Date

GHG/kmk

G&amp;C 30571.272-US-C1

MAR 02 2007

Due Date: March 5, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David E. Simmen Examiner: Cindy Nguyen  
Serial No.: 10/807,871 Group Art Unit: 2161  
Filed: March 24, 2004 Docket: STL919990184US3  
Title: QUERY OPTIMIZATION TECHNIQUE FOR OBTAINING IMPROVED CARDINALITY  
ESTIMATES USING STATISTICS ON PRE-DEFINED QUERIES

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on March 2, 2007.

By: [Signature]  
Name: George H. Gates

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Notice of Appeal.
- ☒ Charge the Fee for the Notice of Appeal in the amount of \$500.00 to the Deposit Account.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application. A duplicate of this paper is enclosed.

Customer Number 45729  
GATES & COOPER LLP  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: [Signature]  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/kmk

MAR 02 2007

Due Date: March 5, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David E. Simmen Examiner: Cindy Nguyen  
Serial No.: 10/807,871 Group Art Unit: 2161  
Filed: March 24, 2004 Docket: STL919990184US3  
Title: QUERY OPTIMIZATION TECHNIQUE FOR OBTAINING IMPROVED  
CARDINALITY ESTIMATES USING STATISTICS ON PRE-DEFINED  
QUERIES

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and  
Trademark Office on March 2, 2007.

By: [Signature]  
Name: George H. Gates

NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 41.31, Applicants hereby appeal to the Board of Patent Appeals  
and Interferences from the final rejection of claims 1-33 of the above-identified application, as set forth  
in the Office Action mailed December 5, 2006.

03/05/2007 TL0111 00000029 090460 10807871  
01 FC:1401 500.00 DA

03-02-2007

03:28PM

FROM-Gates & Cooper LLP

RECEIVED  
CENTRAL FAX CENTER

+13106418798

T-811

P.005/005

F-325

MAR 02 2007

Please charge the amount of \$500.00 to Deposit Account No. 09-0460 to cover the required fee for filing this Notice of Appeal as set forth under 37 C.F.R. § 41.20(b).

Respectfully submitted,

David E. Simmen

By their attorneys,

GATES & COOPER LLP  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: March 2, 2007

GHG/kmk

By: 

George H. Gates

Reg. No.: 33,500